

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Case No. 17-CV-05507 (AKH)

CLAUDINNE FELICIANO,  
Individually and on behalf of all others  
similarly situated,

Plaintiff,

-against-

CORELOGIC SAFERENT, LLC,  
a/k/a CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

Defendant.

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**DECLARATION OF SETH R. LESSER  
IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

I, Seth R. Lesser, declare and state under penalty of perjury, the following:

1. I have been admitted to practice in this Court and am a member of a number of federal courts. I am also admitted to practice in the States of New York and New Jersey and the District of Columbia. I am a partner at Klafter Olsen & Lesser LLP which, along with co-counsel James B. Fishman of Fishman Law, PC, represents Plaintiff Claudinne Feliciano.

2. I submit this declaration in support of Plaintiff's Motion for Class Certification.

3. All of the facts stated herein are true and correct and are within my personal knowledge.

**Counsel Background and Experience**

4. I, and my firm, Klafter Olsen & Lesser LLP ("KOL") have extensive experience representing consumers in class actions throughout the United States. Details are included in Exhibit 27 hereto, which contains a copy of my current CV and the firm's resume. In short, as to myself, for over 20 years I have represented plaintiffs in individual, class, and collective actions,

including specifically consumer cases. As a result, I have obtained settlements in excess of a quarter of a billion dollars for consumers; was the National Association of Consumer Advocates' Attorney of the Year in 2005 and was Co-Chair of the Board of Directors of that organization from 2008 through 2013; I am a co-author and contributor the National Consumer Law Center's noted *Consumer Class Actions* treatise; have been lead or co-lead in numerous significant cases including, among others, having been appointed lead counsel by federal judges in a number of MDL proceedings; and have been appointed to and served on a number of professional committees for among others, such groups as the American Bar Association, the Second Circuit Federal Bar Council, and the American Law Institute (of which I was elected a member in 2008). Further information is contained in my attached CV.

5. Mr. Fishman has been admitted to the bar of the State of New York and to this Court since 1980. In the past 39 years, Mr. Fishman has represented numerous clients in individual and class action cases involving the two central subject matters of this action; Fair Credit Reporting Act ("FCRA") litigation on behalf of consumers before this Court, the Eastern District of New York and the Second Circuit Court of Appeals and the United States Supreme Court, and landlord-tenant litigation on behalf of tenants in every New York state court, from the Housing Court up to and including the New York Court of Appeals. Mr. Fishman has also lectured, published and conducted training sessions before national consumer attorney organizations on FCRA litigation generally and tenant screening issues in particular, as well as locally before various bar associations, legal services organizations and community groups on landlord-tenant issues generally as well as on issues of tenant screening. Mr. Fishman's resume is attached as Exhibit 32.

6. Mr. Fishman been quoted in the following publications concerning tenant screening in general: “*Blacklisting Tenants*,” Gotham Gazette, February 2006; “*Blacklisting of Patients, Tenants Draws Ire: Is Use of Web Court Data an Unfair Black mark or a Good Way to Reduce Risk?*” National Law Journal, April 19, 2004; “*A Blacklist For Renters*,” New York Times, April 8, 2004; “*Blacklisted*,” City Limits Magazine, March, 2004; “*Suit Disputes the Accuracy of Tenant Screening Reports*,” New York Times, February 27, 2004; and “*When the Credit Check is Only the Start*,” New York Times, October 12, 2003.

7. In 2004, Mr. Fishman served as co-lead counsel for the plaintiff in *White v. First American Registry, Inc.* 04 CV 1611 (LAK) (S.D.N.Y.), a class action brought against the country’s largest tenant screening agency. The complaint in that action alleged that the defendant had violated the FCRA, as well as the New York FCRA, by failing to include in credit reports sold to landlords the disposition of cases brought in the New York City Housing Court; the precise issue involved here. In 2007 the Court approved a settlement in that action and granted certification of a class of 35,000 individuals. The settlement included payment to the class in the amount of \$2 million as well as injunctive relief and attorney’s fees of approximately \$900,000.

8. Mr. Fishman also has served as lead counsel in other certified class actions in the federal courts as well, including *Massey v. On-Site Manager, Inc.*, No. 11-cv-2612 (BMC) (E.D.N.Y.) (an FCRA case), *Thornton v. Belkin Burden Wenig & Goldman, LLP*, No. 09-cv-501 (LAK) (DF) (S.D.N.Y.) (a Fair Debt Collection Practices Act (“FDCPA”) case); *Sullivan v. Heiberger & Associates*, No. 04-cv-1448 (RML) (E.D.N.Y.) (an FDCPA case); and *Lawrence v. Borah Goldstein Altschuler Schwartz & Nahins, PC*, No. 04-cv-3066 (JCF) (an FDCPA case).

**Pacer Search**

9. A search on Pacer revealed that there are no related actions pending in New York as of the date of this filing.

**Exhibits**

10. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition transcript of the Plaintiff Claudinne Feliciano.

11. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Autumn DeLoatche, an employee of the Defendant.

12. Attached as Exhibit 3 is a true and correct copy of excerpts from the deposition transcript of Janet Ernst, an employee of the Defendant.

13. Attached as Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of Naeem Kayani, and employee of the Defendant.

14. Attached as Exhibit 5 is a true and correct copy of excerpts from the deposition transcript of Jeremy Harrison, and employee of Related Management, the development company that rejected Plaintiff's application to obtain affordable housing based on a credit report provided by the Defendant.

15. Attached as Exhibit 6 is a true and correct copy of excerpts from the deposition transcript of Todd Nahins, the attorney for Plaintiff's prior landlord who commenced a Housing Court proceeding against her in 2014.

16. Attached as Exhibit 7 is a true and correct copy of excerpts from the deposition transcript of Courtney Johnson, and employee of LexisNexis Data Resources, Inc, the Defendant's current resource for Housing Court data in New York City.

17. Attached as Exhibit 8 is a true and correct copy of a document produced by Defendant bearing Bates-numbers CLF000086-94.

18. Attached as Exhibit 9 is a true and correct copy of an e-mail produced by Defendant bearing Bates-numbers CLF000151-52, and labeled “CONFIDENTIAL.”

19. Attached as Exhibit 10 is a true and correct copy of an e-mail chain produced by Defendant bearing Bates-numbers 000158-62, and labeled “CONFIDENTIAL.”

20. Attached as Exhibit 11 is a true and correct copy of a document produced by Defendant bearing Bates-numbers CLF000169-245, and labeled “CONFIDENTIAL.”

21. Attached as Exhibit 12 is a true and correct copy of an e-mail chain produced by Defendant bearing Bates-numbers CLF000259-261, and labeled “CONFIDENTIAL.”

22. Attached as Exhibit 13 is a true and correct copy of an e-mail chain produced by Defendant bearing Bates-numbers CLF000264-266, and labeled “CONFIDENTIAL.”

23. Attached as Exhibit 14 is a true and correct copy of an e-mail chain produced by Defendant bearing Bates-numbers CLF000294-299, and labeled “CONFIDENTIAL.”

24. Attached as Exhibit 15 is a true and correct copy of an e-mail chain produced by Defendant bearing Bates-numbers CLF000365-66, and labeled “CONFIDENTIAL.”

25. Attached as Exhibit 16 is a true and correct copy of a spreadsheet identifying Housing Court proceedings in which the disposition of each case was described as “Case Filed”, in consumer reports provided by the Defendant to its landlord customers during the class period, which was produced by Defendant, bearing the Bates-number CLF001272, and labeled “CONFIDENTIAL.”

26. Attached as Exhibit 17 is a true and correct copy of a document bearing the Bates-numbers CLF001291-94, and labeled “CONFIDENTIAL.”

27. Attached as Exhibit 18 is a true and correct copy of a spreadsheet bearing the Bates-number CLF001295, and labeled “CONFIDENTIAL.”

28. Attached as Exhibit 19 is a true and correct copy of the Notice of Petition and Petition from the New York City Housing Court case filed against Plaintiff, produced by Plaintiff bearing Bates-numbers FELICIANO 0001-2.

29. Attached as Exhibit 20 is a true and correct copy of a letter dated July 22, 2015 from CoreLogic Saferent to Plaintiff, which was produced by Plaintiff and is Bates-numbered FELICIANO 0007-9.

30. Attached as Exhibit 21 is a true and correct copy of a letter dated July 27, 2015 from Hunter’s Point South Leasing, produced by Related Management in response to a subpoena issued by Defendant and is Bates-numbered RELATED000014-15.

31. Attached as Exhibit 22 is a true and correct copy of Defendant’s contract with the Office of Court Administration (“OCA”) and correspondence related thereto, as produced by the OCA in response to a subpoena issued by Plaintiff, which are Bates-numbered OCA00001-5, 00035-36.

32. Attached as Exhibit 23 is a true and correct copy of a certified copy of the Notice of Discontinuance of the New York City Housing Court proceeding commenced against the Plaintiff, produced by the OCA in response to a subpoena issued by Plaintiff and is Bates-numbered OCA000042.

33. Attached as Exhibit 24 is a true and correct copy of a certified copy of the Stipulation of Discontinuance With Prejudice in the Housing Court proceeding, produced by the OCA in response to a subpoena issued by Plaintiff and is Bates-numbered OCA 000046.

34. Attached as Exhibit 25 is a true and correct copy of a New York Times article titled, "On the List, and Not in a Good Way," by Julie Satow, dated October 16, 2014, which can be accessed using the following link: [https://www.nytimes.com/2014/10/19/nyregion/a-tenant-blacklist-culled-from-tedium.html?\\_r=0](https://www.nytimes.com/2014/10/19/nyregion/a-tenant-blacklist-culled-from-tedium.html?_r=0).

35. Attached as Exhibit 26 is a true and correct copy of a press release issued by Senator Liz Krueger on April 26, 2012, which can be accessed using the following link: <https://www.nysenate.gov/newsroom/press-releases/liz-krueger/victory-tenants-sen-krueger-announces-courts-end-electronic-sale>.

36. Attached as Exhibit 27 are true and correct copies of my CV and a resume of Klafter Olsen & Lesser LLP.

37. Attached as Exhibit 32 is a true and copy of Mr. Fishman's resume.

38. I am not suffering any impediments and am competent to testify to all of the foregoing.

39. As provided under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 18, 2019

A handwritten signature in blue ink, appearing to read "Seth R. Lesser", with a stylized flourish at the end.

Seth R. Lesser